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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/766,520      | 01/27/2004  | Alessandro Spaggiari | 26218               | 2209             |

20529 7590 04/18/2007  
NATH & ASSOCIATES  
112 South West Street  
Alexandria, VA 22314

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| EXAMINER |
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EDGAR, RICHARD A

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3745

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 04/18/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/766,520

Applicant(s)

SPAGGIARI, ALESSANDRO

Examiner

Richard Edgar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2007 under 37 C.F.R. § 1.114.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4 and 8-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 and 04 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16 January 2007 has been entered.

***Response to Arguments***

Applicant's arguments with respect to claim 8 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4 and 8-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 8 requires "a sold casing." The original

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disclosure does not specifically teach that the electric motor casing is solid, not to mention what "solid" even means since the casing appears to be hollow in the drawings.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 8 recites "of the type" in line 1. This limitation renders the claim indefinite, since it is unclear whether everything after "type" is admitted prior art or if "type" is somehow limiting the claimed "ventilation unit."

Claims 4 and 9-10 each depend from claim 8 and are therefore indefinite themselves.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 8-10, as far as they are definite and presumed possessed by Applicant at the time of original filing, are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 4,838,760 (Brackett hereinafter) in view of

United States Patent No. 4,150,919 (Matucheski hereinafter) and in view of Japanese Patent Application Publication Laid-open Showa 57-24499 (JP 57-24499 hereinafter).

Brackett teaches a fan with radial openings 40 through the annular wall 28 of the hub at the edge where the annular wall 28 meets the base wall 26. The openings 40 are capable of discharging condensate. The base wall 26 is substantially solid and includes an enlarged central portion 32. Blades 30 extend from the hub wall 28. The openings are located between blades 30. Reinforcing ribs 44 are within the hub annular wall 28. The blades 30 are shown equally spaced around the impeller periphery in FIG. 2. The openings 40 are shown spaced equally around the impeller periphery in FIG. 2. The ribs 44 are shown equally spaced within the hub 28 as seen in FIG. 2.

Brackett shows that cooling air passes through the motor via apertures 14, and therefore, does not show a solid casing as has been amended into claim 8.

Also, Brackett shows that the ribs 44 do not extend to the enlarged central portion 32 of the base wall 26, as is presently claimed in claim 8.

Matucheski teaches that cooling air can be used in a radiator fan having any type of drive, which includes an electrical drive, for the purpose of cooling a surface of the electrical drive (see col. 2, lines 32-36).

Since Brackett cools a radiator fan with air, and Matucheski teaches that only a surface of an electrical drive needs to be cooled, it would have been obvious at the time

the invention was made to a person having ordinary skill in the art to modify the electrical drive of Brackett to be solid, as taught by Matucheski, for the purpose of cooling the surface of the electrical drive.

JP 57-24499 shows reinforcing ribs 5 for a radiator fan extending to the enlarged central portion 6 for the purpose of reinforcing the hub.

Since Brackett teaches reinforcing ribs 44 which could be extending to the enlarged central portion 32, and JP 57-24499 teaches to extend the reinforcing ribs 5 to the enlarged central portion 6, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the reinforcing ribs 44 of Brackett to extend to the enlarged central portion 32 for the purpose of increasing the reinforcement of the hub.

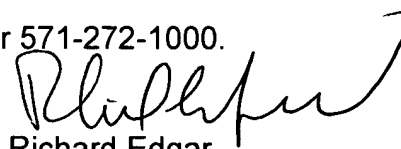
#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Edgar whose telephone number is (571) 272-4816. The examiner can normally be reached on Mon.-Thur. and alternate Fri., 7 am- 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Richard Edgar  
Primary Examiner  
Art Unit 3745

RE